

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

DONALD H. BROWN,
Plaintiff

vs.

NEWREZ, LLC d/b/a SHELLPOINT
MORTGAGE SERVICING, BANK OF
AMERICA CORPORATION AND THE
BANK OF NEW YORK MELLON
CORPORATION,
Defendants

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: C.A. No: 1:19CV-00327-MSM-LDA
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**PLAINTIFF DONALD H. BROWN'S OBJECTION TO THE
DEFENDANT BANK OF AMERICA CORPORATION'S
MOTION FOR SUMMARY JUDGMENT**

Now comes the Plaintiff, Donald H. Brown, in the above-entitled matter and hereby objects to the Motion For Summary Judgment filed by the Defendant, Bank of America Corporation ("BAC").

As grounds for said objection, the Plaintiff states that there is a genuine issue of material fact in this case as to whether the Defendant acted illegally and improperly in its interaction with Mr. Brown and breached its contract with him as it relates to the modification of the December 2006 Loan. Mr. Brown contends that he had entered into a permanent modification in October, 2009 with the Defendant, and that because there are genuine issues of material fact, this Defendant is not entitled to a judgment as a matter of law. Federal Rule of Civil Procedure 56(9). See Knight v. Mills, 836 F.2d 659, 664 (1st Cir. 1987); See Continental Cas. Co. v. Canadian Univ. Ins. Co., 924 F.2d 370, 373 (1st Cir. 1991). Such claims for relief should be determined at a trial on the merits of this action and not by way of summary judgment. See Colman v. Faucher, 128 F. Supp. 3d 487, 490 (D.R.I. 2015).

Mr. Brown has included his Affidavit, Memorandum of Law and Exhibits in support of this Objection.

Donald H. Brown
By His Attorney,

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CERTIFICATE OF SERVICE

I, Kenneth G. Littman, hereby certify that on the 12th day of February, 2021, I filed and served these documents through the electronic filing system on the following parties:

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